

STATE HABE REQUESTS FOR FEDERAL PRISONER PRODUCTION 07/12/05

The United States Marshals Service can assist your office with the production of a Federal prisoner in state court. The following procedures must be met before the United States Marshals Service can make the defendant available for your hearing:

1. The local official will determine in writing from the U.S. Attorney's Office (617-748-3100) whether the prisoner for whom the writ of habeas corpus is issued is scheduled to appear in U.S. District Court on the day(s) his or her presence is required in local court. Requesting officials shall not seek temporary transfer of custody on such days.
2. A certified copy of the local court writ (with the seal of the court) directed to the USM must be received at the district office a minimum of 10 business days prior to the hearing date. The USM or his or her designee will verify the authenticity of the writ by telephoning the clerk of the court who issued the writ.
3. The official or attorney from the requesting local agency will direct his or her request to the USM in the district having custody of the prisoner. All requests will be made by letter and include the following information:
 - a. The prisoner's name, and sufficient numeric identifiers.
 - b. A statement indicating the need for appearance, including the charges against the prisoner.
 - c. The name of the court where the prisoner is to appear.
 - d. The name and phone number of the requesting agency with the responsibility for transporting the prisoner.
4. A statement will be in the writ of habeas corpus from the issuing court that the requesting agency will provide for the safekeeping, secure custody, and care of the prisoner at no cost to the federal government and that they will assume full responsibility for custody.
5. A statement will be in the writ of habeas corpus that the prisoner will be returned promptly to USMS custody upon the conclusion of the appearance for which the writ was issued or upon the demand of the USMS. Prisoners must be returned to the USMS cellblock by 4:00 pm each day.
6. The transportation team will consist of a minimum of two law enforcement officers. This team must provide the USMS cellblock officers with proper identification and a copy of the writ.

Any questions regarding this matter can be directed to SDUSM Alison Hodgkins at: 617-748-2550.